IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7944 OF 2005

Rameshwar Nagnath Deshmukh & Anr...Applicants

Versus

State of Maharashtra .. Respondent

Mr.Abhay L. Patki for applicant

Mr.R.Y.Mirza, A.P.P. for State

Mr.G.N.Salunkhe for complainant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 12th December 2005.

P.C.

. Heard Mr.Patki for applicants, Mr.Mirza, A.P.P. for State and Mr.Salunkhe for

complainant. Present application is vehemently opposed by the Advocate appearing for complainant who desires to placce on record some materials to disclose participation of present applicants in the crime.

2. It is not disputed by Advocates appearing for parties that as far as other accused Annasaheb Deshmukh, Ramchand Deshmukh and Nanasaheb Ramchandra Deshmukh, Tanaji Mahadeo Deshmukh, Shatrughna Deshmukh have been enlarged on bail by the trial Court even before the charge sheet is filed during the course of investigation vide order dated 5th November 2005. Application of present applicant was rejected in the light of the statement in the F.I.R. that these applicants were holding sticks at the time of the incident. It is true that the applicants were holding sticks at the time of the incident. It is true that the applicants are also part of a group which assaulted rival faction, pursuant to

the local elections. Agitated by the fact that the rival factions succeeded, a group fight between persons belonging to these rival factions took place and the trial court has observed that simple injuries are sustained by the persons concerned. They have been discharged from hospital after treatment. F.I.R. has been perused by me with the assistance of Counsel appearing for parties and it has not been stated beyond alleging that the applicants had in their hands wooden sticks that their case is different than those who have been enlarged on bail.

3. In the light of the aforesaid, following order:-

i) Applicants are released on bail in the sum of Rs.15,000/- each with one solvent surety in the like amount.

ii) Applicant shall not tamper with

the evidence of prosecution;

iii) Applicants shall attend Madha Police Station, Dist. Solapur on every Sunday between 3.00 p.m. and 5.00 p.m. till charge sheet is filed.

iv) Applicants shall not directly or indirectly make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

v) Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any

finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application disposed of.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)